

**EDGEFIELD COUNTY COUNCIL MINUTES**  
**December 2, 2003**

The regular meeting of the Edgefield County Council was held at 6:00 P. M. Tuesday, December 2, 2003, in the County Council Chambers, 225 Jeter St., Edgefield.

**Members present**

C. Monroe Kneece, Chairman  
Willie C. Bright, Vice Chairman  
Norman Dorn, Councilman  
Joel D. Hudson, Councilman  
B. Everette Kitchens, Councilman

**Others present**

Wayne Adams, County Administrator  
John Byrd, Jr., County Attorney  
Barbara R. Stark, Clerk to Council

Chairman Kneece called the meeting to order and Councilman Hudson gave the invocation. The Pledge of Allegiance to the Flag was recited.

**Executive Session**

Motion was made by Councilman Dorn, seconded by Councilman Bright, to go into executive session, returning to regular session at the discretion of the chairman. Motion carried. No action was taken in executive session concerning the issue of Planning Board appointments.

**Minutes**

Motion was made by Councilman Kitchens, seconded by Councilman Bright, to approve the November 4, 2003, Minutes of the Regular Meeting of the Edgefield County Council, and the November 4, 2003, Edgefield County Council Public Hearing. Motion carried unanimously.

**Reports**

The administrator stated that the Edgefield County Planning Commission Minutes (November 13, 2003), addressed some of the issues council has considered exploring: impounding abandoned vehicles and the requiring of business licenses in the unincorporated areas.

Chairman Kneece asked Mr. Adams if he would give some highlights concerning the two items. On the business license: "Mr. Roy Bates addressed the Planning Commission on this topic and emphasized that a business license is for the purpose of raising revenue – a tax on the privilege of doing business within a jurisdiction. He warned against using business licenses as a method of policing business activities or trying to close down a business that is acting outside the boundaries of the law. Mr. Bates suggested that a

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Nuisance Ordinance is the proper procedure for that. He also advised the Planning Commission that he had worked on business licenses in a number of municipalities in this state and that he could offer a model business license. Generally, the structure of those licenses is a tax on gross receipts, and you cannot administer a flat fee. But what can be done (Town of Johnston does this) is levy a tax of \$35.00 or so, on the first \$2,000 of gross receipts for the business and, thereafter it is fifty cents per thousand dollars in gross receipts. It is a revenue raising vehicle more so than something to be used in an administrative way for policing businesses. On the abandoned automobiles he pointed to statutory provisions that allow counties to impound abandoned and derelict vehicles. That is either done by the sheriff's office or the police force of a municipality or it is done through the designation of a "sanitation officer". That is what the statute calls it. The statute has very precise due process notification procedures that have to be followed. Mr. Bates advised us to be very careful about following the procedures. Have to notify the owner that you have the vehicle before anything can be done with it – have to give the owner a chance to redeem it." Councilman Dorn wanted more information concerning roadside peddlers which Mr. Adams stated that "basically a jurisdiction that owns the rights-of-way has to give the peddler the right to set up on the right-of-way, or else they could be removed or shut down. If the peddler is on private property, of course, they have to have the permission from the private property owner. Mr. Bates told us that in some jurisdictions they make special provisions for occasional merchants, or peddlers, who are only going to be in the jurisdiction a few days a month and they specify those provisions in their ordinance, but they do have to buy a license. There would be a way to police them." Councilman Hudson asked if he understood correctly that someone would have to be hired to enforce a business license, or to be involved in administering the license. Mr. Adams said it would, "especially if taken together with the impounding of the derelict vehicles. Those two missions would add a lot of work to the building department and I think it is pretty much staffed to its max right now of what it can do. The obvious question about the business license is, "Would it yield enough revenue to pay for the position? The focus is that it is a revenue raising tool. If you are going to lose money on it, it doesn't make sense to do it." But, one of the things brought up in the meeting that was asked of Mr. Bates was, "How can we project revenues that we might derive out of a business license?" His words were that in all of the jurisdictions where he has seen it done, revenues are accurately predicted only by experience. It is almost impossible to predict. One thing brought up in the meeting was contractors who do work in the county. We do not really know the extent of that – of what we could derive on a business license. The problem is the enforcement of it. If you have a business license you do have the authority to ask to see tax returns of the business to verify gross receipts. That would only be on a random basis if you had one person doing that work. It would be hard to know what it would bring in. Consider if you had a business that was doing ten million dollars a year in gross receipts. If you charge \$.50 per thousand, that is \$5,000 – have to have ten million dollars in gross receipts to produce \$5,000 in revenue. To hire someone at \$30,000 (salary and benefits) to do the job would not be an unreasonable estimate. There

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is training available for this process. Administrator stated that other counties are looking at this as a source of revenue because the manufacturing portion of the tax base is declining and also because the reduction in the car tax assessment ratio is reducing the value of a mill. Chairman Kneece recommended receiving this as information, with the council approving.

### **Ordinances**

Motion was made by Councilman Hudson, seconded by Councilman Bright, to approve third reading of Ordinance No. 03-04-441, "An Ordinance to Provide for the Issuance and Sale of a Not Exceeding One Hundred Ninety Six Thousand Four Hundred (\$196,400) General Obligation Bond, Series 2003, of Edgefield County, South Carolina, for the Purposes of Financing the Costs of Repairs and Improvements for the Edgefield County Detention Center, to Provide for the Payment Thereof, and Other Matters Relating Thereto." Motion carried unanimously.

Motion was made by Councilman Bright, seconded by Councilman Kitchens, to approve third reading of Ordinance No. 03-04-442, "An Ordinance Authorizing the Negotiation, Execution and Delivery of a Lease-Purchase Financing Agreement or Agreements Pertaining to Various Equipment and Other Related Documents Between Edgefield County, SC and a Qualifying lender; and Other Matters Relating Thereto". Motion carried unanimously.

Consideration of financing proposals pursuant to Ordinance No. 03-04-442.

|     |                            |              |
|-----|----------------------------|--------------|
| (1) | <b>Bank of America</b>     | <b>3.75%</b> |
| (2) | <b>First Citizens Bank</b> | <b>3.88%</b> |
| (3) | <b>BB&amp;T</b>            | <b>3.44%</b> |

Motion was made by Councilman Kneece to approve the proposal of 3.44% by BB&T. Seconded by Councilman Dorn. Motion carried unanimously. Mr. Adams stated that a van will be purchased to be used by the litter control officer for state inmates picking up roadside litter. Also, a backhoe and a tractor for the road department will be purchased.

Motion was made by Councilman Dorn, seconded by Councilman Bright, to approve the second reading of Ordinance No. 03-04-443, "An Ordinance Amending Code Section §33.75 of the Edgefield County Code of Ordinances to Establish an Eleven-Member Edgefield County Hospital Board of Trustees, and to Provide for and Regulate the Terms of Said Trustees." Motion carried unanimously.

### **New Business**

Ms. Laurie Smith, CPA (Elliott Davis, LLP) gave an overall presentation of the 2002 Edgefield County Audit. She explained that a new reporting model had been required this year so the audit is different from recent years.

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The 2004 Edgefield County holiday schedule was presented to council for consideration. Motion was made by Councilman Dorn, seconded by Councilman Hudson, to approve the 2004 Edgefield County holiday schedule. Motion carried.

Howard Gibson, Building Official, addressed council concerning the bids received for the entrance signs for the Industrial Park and the installation of gutters/downspouts for the Neighborhood Center. Motion was made by Chairman Kneece, seconded by Councilman Dorn, to accept the low bid by Newman Builders of \$28,500 for four signs for the Industrial Park. The signs will be masonry. Brick signs with bronze lettering. Motion carried. Forty Thousand had been budgeted for the signs. Motion was made by Councilman Dorn, seconded by Councilman Bright, to accept the low bid of \$3,800.00 from Palmetto Seamless for the gutters/downspouts for the Neighborhood Center. Motion carried unanimously. This will be from account 100-279.

Mrs. Jean Hannah, DSS Director, addressed council concerning a new telephone system at the Department of Social Services Building. Ms. Hannah asked Mr. Adams several months ago for his assistance and the county's financial assistance in acquiring a new telephone system for the DSS building. Eleven proposals by various vendors were received. From the eleven proposals three were selected for demonstrations by the review team that had been appointed for the process. A-3 Communications, Inc. from Irmo, SC was unanimously selected because of superior equipment, ability to accommodate our specific needs, proposal responsiveness and system demonstration. The county will be reimbursed by the state agency. Motion was made by Councilman Dorn, seconded by Councilman Kneece, to approve A-3 Communications, Inc. bid of \$17,516.00 to install the new telephone system at the DSS building on W. A. Reel Drive, Edgefield. Motion carried unanimously.

Mr. Randy Bradberry, Recreation Director, was scheduled to update council on the basketball program. Mr. Bradberry was unable to attend so Mr. Adams addressed council. Mr. Adams stated that the recreation committee that had been appointed previously recommended that a basketball program be in place for this winter. Games would begin in January (2004). Some of the financial documentation prepared by Randy projected 170 participants for this program, with a revenue yield of \$5,950 (170 x \$35), \$2,400 in gate receipts, and \$2,400 in sponsorships. This totals \$9,750 in revenue but the projected expenditures of \$15,046 to implement the program is about \$5,300 more than revenues. Randy is seeking sponsorships for some of the difference. Basically, the difference has to do with the scoreboard that has to be purchased for the Edgefield Town Gym. The county will have to put up this money until these revenues come in from the registration and from the gate receipts and from the sponsorships. The school system wants some of their personnel (custodians) present during the use of its gyms, so the county will reimburse the school system for those costs, and for security in the form of deputies who would work the games. The school system has also asked that the ages of participants be limited

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to nine to thirteen, rather than nine to eighteen. The youngest children will be playing at the school facilities, JET and Thurmond (9,10, 11 year olds) and they will play on Saturday mornings. All practices will be in the Edgefield Town Gym. Those are the three facilities to be used. The 12 and 13 year olds will play at the town gym on Church Street. Merriwether gym is used as a classroom and it is very disruptive to have to be changing from the classroom to gym use so that gym will not be used by the recreation department. Motion was made by Councilman Kitchens, seconded by Councilman Dorn, to approve the implementation of a basketball program. Motion carried unanimously.

Chairman Kneece asked if Upper Savannah (Rick Green) had any comments. There were none. Ms. Dot Mims thanked the council for its consideration for the letter that Bettis Rainsford had presented to council concerning the old county records. Plans are being made for the organization of these records.

Councilman Dorn told council that the work on the Plum Branch waterline has begun.

### **Old Business**

None.

### **Claims approved as follows:**

A. PAYROLL: 10/27/03 thru 11/9/03

Regular.....\$110,289.00

PAYROLL: 11/10/03 thru 11/23/03

Regular.....\$116,281.68

B. General Operating.....\$394,247.37

There being no further business, the motion was made by Councilman Dorn, seconded by Councilman Kitchens, to adjourn. The next regular meeting of council is scheduled for Tuesday, January 6, 2004.

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C. Monroe Kneece, Chairman

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Willie C. Bright, Vice Chairman

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Norman Dorn, Councilman

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Joel D. Hudson, Councilman

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B. Everette Kitchens, Councilman

ATTEST

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Barbara R. Stark, Clerk to Council